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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER JAY GERBER AND MIRIAM
GOLDBERG,

Plaintiffs,

vs.

BAYER CORPORATION AND BAYER
HEALTHCARE PHARMACEUTICALS,
INC.; BMC DIAGNOSTICS, INC.;
CALIFORNIA PACIFIC MEDICAL
CENTER; GENERAL ELECTRIC
COMPANY; GE HEALTHCARE, INC.; GE
HEALTHCARE BIO-SCIENCES CORP.;
McKESSON CORPORATION; MERRY X-
RAY CHEMICAL CORP.; and DOES 1
through 35

Defendants.

Case No: CV 07 5918 EDL

**DECLINATION TO PROCEED BEFORE A
MAGISTRATE JUDGE AND REQUEST
FOR REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

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REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: November 30, 2007

LEVIN SIMES KAISER & GORNICK LLP

By: s/ Debra DeCarli
Debra DeCarli, Esq.